

# **EXHIBIT A-8**

# USPS says Pennsylvania mail ballots may not be delivered on time, and state warns of 'overwhelming' risk to voters

by Jonathan Lai and Ellie Rushing, Updated: August 16, 2020 - 10:51 AM

EXHIBIT

Marks 08/19/20 EX24





YONG KIM / FILE PHOTOGRAPH

A voter prepares to drop off their ballot into a drop box at Philadelphia City Hall during May's primary election.

The U.S. Postal Service has warned Pennsylvania that some mail ballots might not be delivered on time because [the state's deadlines are too tight](#) for its “delivery standards,” prompting election officials to ask the state Supreme Court to extend the deadlines to avoid disenfranchising voters.

The warning came in a July 29 letter from Thomas J. Marshall, general counsel and executive vice president of the Postal Service, to Pennsylvania Secretary of State Kathy Boockvar, whose department oversees elections. That letter was made public late Thursday in a filing her Department of State submitted to the Supreme Court, asking it to order that mail ballots be counted as long as they are received up to three days after the Nov. 3 election date.

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If the court agrees, that could increase the likelihood that the results of the presidential race between President Donald Trump and presumptive Democratic nominee Joe Biden [won't be known for days after the election](#).

The Postal Service's letter came amid [false attacks](#) on mail voting by Trump, and as concerns mount nationally about how [the coronavirus pandemic](#) could disrupt the 2020 election. For Pennsylvania, a battleground state that was decided by less than 1% of the vote in 2016, the letter warned that “certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards.”

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"This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them," Marshall wrote in the letter, which was first reported by [PA Post](#).

## Conflicting Timetables for Voting by Mail in Pa.

Pennsylvania law allows voters to apply for a mail ballot up to a week before the Nov. 3 election, but the U.S. Postal Service recommends that voters should request mail ballots at least 15 days before the election, and "preferably long before that time." The Oct. 27 state deadline for **applying** for a mail ballot is the same day that the Postal Service recommends **mailing ballots back** to county governments.

**Oct. 19:**  
Postal Service  
recommends voters  
**apply for mail ballots**  
at least 15 days before  
the election.

**Oct. 27:**  
Postal Service  
recommends **mail  
ballots be sent** at  
least seven days  
before the election.

**Nov. 6:** Pa. Secretary of State  
Kathy Boockvar is requesting the  
state Supreme Court to allow mail  
ballots to be counted if they are  
received **three days after the  
election**, as long as there is no  
proof that the ballot was mailed  
after Election Day.

register for the November election.

to apply for a mail ballot.

requires mail ballots to be received by 8 p.m.

SOURCES: Pa. Dept. of State; U.S. Postal Service

JOHN DUCHNESKIE / Staff Artist

## Conflict in Timetables for

Marshall's letter represented "a significant change to the outlook for voting by mail in the general election," the Department of State told the court in its filing. Before the July 29 warning, the department said, "the Postal Service had not indicated the likelihood of widespread, continuing, multiple-day mail-delivery delays presenting an overwhelming, statewide risk of disenfranchisement for significant numbers of voters utilizing mail-in ballots."

The department, which is part of Democratic Gov. Tom Wolf's administration, wants the court to order that mail ballots be counted if they are received by the Friday after Election Day as long as there is no proof (such as a postmark) that they were mailed after that day. State law currently requires that mail ballots be received by 8 p.m. on an election day.

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Alliance for Retired Americans and supported by Priorities USA, a Democratic super PAC backing Biden. The lawsuit seeks to change the state's mail ballot deadlines, among other things. The state's reversal underscored the extent to which widespread mail delivery delays, along with Trump's acknowledgment that his refusal to increase Postal Service funding is tied to his belief that mail voting will hurt his reelection prospects, have alarmed Democrats across the state and the country.

Voters can request mail ballots as late as seven days before the election. But election officials urge voters to request and return their ballots weeks earlier, to ensure they arrive on time even with current mail delays.

Some counties set up drop boxes in the primary election so voters could hand-deliver their ballots without relying on the mail. But the Trump campaign and Republican National Committee have sued the state to block drop boxes from being used in November. Philadelphia and some of its suburban counties are hoping to set up election offices where voters can use mail ballots to vote in person weeks before the election.

The USPS did not immediately respond to a request for comment. The Department of State declined to comment beyond its filing.

similar letter to Washington state.

The filing came on the same day that Trump openly admitted that by withholding funding for the Postal Service, the agency would not be able to handle [an anticipated surge of mail voting](#) in November.

» ***READ MORE: The Postal Service needs money for mail-in voting. Trump is opposed to additional funding.***

"They need that money in order to have the post office work so it can take all of these millions and millions of ballots," Trump said Thursday morning on Fox Business Network.

Referring to negotiations over a new coronavirus economic relief package that have stalled in part because of disagreements over post office funding, Trump added: "If we don't make a deal, that means they don't get the money. That means they can't have universal mail-in voting. They just can't have it."

Serious mail delivery delays have impacted residents across the Philadelphia region, largely due to policies implemented by the new postmaster general, who is also a major Trump campaign donor. Those policies eliminate overtime, order carriers to leave mail behind to speed up workdays, and slash office hours.

The changes, coupled with staffing shortages amid previous budget cuts and coronavirus absences, are forcing some Philadelphians to go upward of three weeks without mail, leaving them without medication, paychecks, and bills. Mail is piling up in offices, often unscanned, carriers have said, and routes are going undelivered for days when a carrier is absent.

In the primary, just over half of all votes were cast by mail, a huge jump from about 5% in past elections. And turnout in November's election will likely be more than double the primary, meaning there could be several million ballots sent through the mail.

But there have been significant logistical challenges to rapidly scaling up vote-by-mail this year. Election officials struggled in the primary to keep up with demand for ballots, and the pandemic meant every step of requesting and receiving a mail ballot took longer than normal.

County officials warned before the election that thousands of voters could be disenfranchised, and tens of thousands of ballots ultimately arrived after the deadline.

Those officials, as well as advocacy groups, have urged lawmakers in Harrisburg to change the law to widen the window between the deadlines for requesting and returning ballots. While many lawmakers agree that there is a problem, there has been no consensus around a solution. It's unclear whether there will be political momentum to change the law in time for the election.

Legislative leaders didn't immediately comment late Thursday.

*Staff writer Sean Collins Walsh contributed to this article.*

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